

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text
and Supporting Documents and Information**

**NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CONTROL
MEASURE FOR PERCHLOROETHYLENE DRY CLEANING OPERATIONS AND
ADOPTION OF REQUIREMENTS FOR MANUFACTURERS AND DISTRIBUTORS OF
PERCHLOROETHYLENE**

Public Hearing Date: January 25, 2007
Public Availability of Modified Text Date: March 20, 2007
Deadline for Public Comment: April 4, 2007

At its public hearing on January 25, 2007, the Air Resources Board (the Board or ARB) approved amendments to section 93109, title 17, California Code of Regulations (CCR) and the adoption of title 17, CCR, sections 93109.1 and 93109.2. The amended and new regulations will phase out the use of Perchloroethylene (Perc) dry cleaning machines and related equipment by January 1, 2023, and require Perc manufacturers and distributors to keep records and to report their Perc sales made to California dry cleaners.

After Perc's identification as a toxic air contaminant in 1991, the Board adopted an initial air toxic control measure (ATCM) for dry cleaning in 1993. Further evaluation by ARB staff beginning in 2003 showed that more could be done to reduce Perc emissions from this source category. With these amendments, the Board will virtually eliminate the potential health risk due to Perc emissions from dry cleaning machines and related equipment.

The approved amendments prohibit any new installation of Perc dry cleaning machines and Perc water-repelling operations beginning on January 1, 2008. Existing facilities must remove drying cabinets and dip tanks from service by January 1, 2008. Perc dry cleaning machines at existing co-residential facilities (facilities that share a wall with, or are located in the same building as, a residence), must be removed from service by July 1, 2010. Converted machines and machines that are 15 years or older must be removed from service by July 1, 2010. The remaining Perc machines must be removed from service once they become 15 years old. As a result of these requirements, the complete phase out of Perc machines and related equipment in dry cleaning operations will occur by January 1, 2023. Additionally, while Perc dry cleaning machines remain in use, good operating practices are to be enhanced.

The Board's Action

At its hearing on January 25, 2007, after considering the staff's proposal and the public's comments and testimony, the Board adopted Resolution 07-5 approving the

proposal with modifications. Appended to the Resolution were the initially noticed regulatory text (as Attachment A) and the staff's suggested modifications to that text (as Attachment B), both of which were made available at the hearing. Attached to this notice as Attachment 1 are Resolution 07-5 and its Attachment B. In approving the proposed amendments, the Board directed the Executive Officer to incorporate the approved modifications to the initially noticed text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days.

Modifications Being Made Available

By this notice, the modified text is being made available for public comment prior to final action by the Board's Executive Officer. The Board's approved modifications are discussed below and set forth in the document appended to this notice as Attachment 2. Additions to the initially noticed regulatory text are denoted by double underline and deletions by ~~double-strikeout~~.

Board Resolution 07-5 (Attachment 1) and the revised regulatory text, as provided in Attachment 2, may additionally be downloaded from ARB's Internet website at the following address: <http://www.arb.ca.gov/regact/perc07/perc07.htm>. Copies of these documents may be obtained from the Board's Public Information Office, first floor Visitors and Environmental Services Center, 1001 I Street, Sacramento, CA 95814. They may also be obtained from Ms. Linda Keifer at (916) 327-1505, or by email at lkeifer@arb.ca.gov. Please provide your name, company name, if any, and postal mail or email address.

Summary of Proposed Modifications

The following summarizes the proposed substantive modifications to the regulations and the rationale for making them.

Violation provisions: The violation provisions are deleted from sections 93109, 93109.1 and 93109.2. The ATCM adopted in 1993 does not contain a specific provision related to enforcement. Commenters raised a concern that the violation provisions might be read as limiting enforcement options available to ARB or the local air districts. The deletion of the provisions will not limit the enforceability of the regulations under state law.

Supporting Documents and Information

Subsequent to the hearing, staff identified an additional reference to support the regulations. In accordance with Government Code section 11347.1, staff is adding to the rulemaking record the following document as a reference that supports the rulemaking:

“Staff Report: Initial Statement of Reasons for the Proposed Amendments to the Control Measure for Perchloroethylene Dry Cleaning Operations,” California Air Resources Board, April 7, 2006.

Comments and Subsequent Action

In accordance with section 11346.8 of the Government Code, the Board’s Resolution directed the Executive Officer to adopt amendments to section 93109, title 17, CCR, after making the modified regulatory language available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications to the regulation as may be appropriate in light of comments received, and shall present the modified regulation to the Board for further consideration if determined that this is warranted.

Written comments on the modifications approved by the Board and the document being added to the rulemaking record must be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 “I” Street, 23rd Floor
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submissions must be transmitted to the Clerk of the Board at (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulation and the additional document being added to the record will be considered by the Executive Officer.

Attachments (2)